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Attorneys for Plaintiff

Craig M. Bonnist (CB3245)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- :
MIRIAM BAUZA,

Plaintiff,

- against -

MEDIACOM COMMUNICATIONS CORPORATION,

Defendant.

Case No.: 07 CIV 6542 (CLB)

**Response to Defendants Local
Civil Rule 56.1 Statement**

Plaintiff, Miriam Bauza, through her attorneys, Bonnist & Cutro, LLP, responds to Defendant's Statement of Undisputed Facts Pursuant to Local Civil Rule 56.1.

1. Admits.
2. Admits.
3. Admits.
4. Neither admits nor denies, the interpretation of the policy is a factual and legal matter to be determined by the court or jury.
5. Admits.
6. Admits.
7. Admits.
8. Admits.
9. Admits.

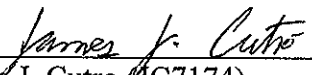
10. Admits.
11. Admits.
12. Admits.
13. Admits.
14. Admits.
15. Admits.
16. Admits.
17. Admits.
18. Admits.
19. Admits.
20. Admits.
21. Admits.
22. Admits, except denies statement that payroll department was reorganized to achieve a "higher efficiency level" since this is not what cited to transcript states.
23. Admits.
24. Admits.
25. Admits.
26. Admits.
27. Admits.
28. Admits.
29. Admits, but Ms. Burgos did testify that plaintiff did remedy the two performance issues she questioned and these tasks were performed satisfactorily.
30. Admits.

31. Admits.
32. Admits.
33. Admits.
34. Admits.
35. Admits.
36. Admits.
37. Admits.
38. Admits.
39. Admits, except denies statement that overpayments were “substantial” since this is not what cited to transcript states.
40. Admits.
41. Admits, except denies statement that she “knew” overpayments Aetna miscalculated, and note that plaintiff contacted Aetna who advised her twice that payments were correct (Bauza Dep. 54, 166-67).
42. Admits.
43. Denies, Plaintiff left a voice mail message for her supervisor, Joseph Michulski, to discuss the issue of the suspected overpayment (Bauza Dep. 166-67).
44. Admits, but Aetna admits that it does not keep a record of all phone calls made to it.

45. Denies, since the issue in this lawsuit is what motivated the decision to terminate plaintiff.

Dated: Rye Brook, New York
May 30, 2008

BONNIST & CUTRO, LLP

By: 
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